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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

C. JAY SMITH, et al.,

Plaintiff,

v.

R. DIAZ, et al.,

Defendants.

4:20-cv-04335-HSG

**JOINT STIPULATION AND
ORDER TO AMEND
SCHEDULING ORDER (as
modified)**

Judge: The Honorable Haywood S.
Gilliam, Jr.
Trial Date: October 21, 2024
Action Filed: June 29, 2020

The Parties respectfully submit this Stipulation to Amend the Scheduling Order. This Stipulation is made on the following basis:

WHEREAS, on August 29, 2024, the Court held a hearing on Defendants' Motion for Summary Judgment after which the Court ordered that the Parties submit a chart regarding plaintiff's grievances by September 12, 2024 and additional briefing regarding qualified immunity with all papers due by October 17, 2024 and discussed potential continuances of the trial schedule in order to accommodate the additional briefing.

WHEREAS, on August 30, 2024, the Court set forth that the Parties may meet and confer and e-file a stipulation and proposed order for a short continuance of the pretrial and trial dates for the Courts' consideration. ECF No. 130.

WHEREAS, the Parties have met and conferred and determined that given the additional

needs of the case, the winter holidays, and the timing mandated by the federal rules of civil procedure, the local rules, and this Court's standing orders regarding pre-trial filings and conferences, a continuance of the trial date is necessary.

THEREFORE, IT IS HEREBY STIPULATED, by and between the Parties, through their respective counsel of record, and subject to Court approval, that the current Scheduling Order should be amended as provided below to permit additional time for trial preparation.

Proposed amended scheduling order schedule:

Case Event	Current Deadline	Proposed Deadline
Pre-Trial Conference	November 19, 2024 at 2:00 p.m.	January 20, 2025
Jury Trial (5 days)	December 9, 2024 at 8:30 a.m	February 10, 2025

IT IS SO STIPULATED.

Dated: September 11, 2024

Orthwein Law, PC

By: /s/Jennifer Orthwein

Jennifer Orthwein

Attorneys for Plaintiff C. Jay Smith

Dated: September 11, 2024

CALIFORNIA ATTORNEY GENERAL'S OFFICE

By: /s/ Shaina Alcheck

Shaina Alcheck, Deputy Attorney General

Attorneys for Defendants

ATTESTATION

I hereby attest that all other signatories listed, whose signatures are indicated by a conformed signature (“/s/”), and on whose behalf this filing is submitted, concur in the filing’s content and have authorized the filing.

Dated: September 12, 2024

Orthwein Law P.C.

By: /s/ Jennifer Orthwein
Jennifer Orthwein
Attorney for Plaintiff

ORDER

Having read and considered the Stipulation, Good Cause appearing, the Court grants the parties' request and amends the scheduling order as follows:

Case Event	Deadline
Pre-Trial Conference	January 21, 2025 at 3:00 p.m.
Jury Trial (5 days)	February 24, 2025 at 8:30 a.m.

It is so ordered.

DATED: 9/13/2024


The Honorable Haywood S. Gilliam, Jr.